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असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bill was introduced in Lok Sabha on 1st December, 2000

BILL No. 182 OF 2000

*A Bill further to amend the Registration Act, 1908, the Transfer of Property Act, 1882 and the Indian Stamp Act, 1899.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. This Act may be called the Registration and Other Related Laws (Amendment) Act, 2000. Short title.

### CHAPTER II

#### AMENDMENT OF THE REGISTRATION ACT, 1908

16 of 1908.

2. In the Registration Act, 1908 (hereafter in this Chapter referred to as the Registration Act), after section 16, the following section shall be inserted, namely:—

“16A. (1) Notwithstanding anything contained in section 16, the books provided under sub-section (1) of that section may also be kept in computer floppies or diskettes or in any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector-General with the sanction of the State Government.

Insertion of new section 16A.

Keeping of books in computer floppies, diskettes, etc.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under sub-section (1) given by the registering officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section (5) of that section.”.

Amendment of  
section 17.

3. In section 17 of the Registration Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2000 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said section 53A.”;

4 of 1882.

(b) in sub-section (2), in clause (v), for the opening words “any document”, the words, brackets, figure and letter “any document other than the documents specified in sub-section (1A)” shall be substituted.

Amendment of  
section 30.

4. In section 30 of the Registration Act, sub section (2) shall be omitted.

Insertion of  
new section  
32A.

5. After section 32 of the Registration Act, the following section shall be inserted, namely:—

Compulsory  
affixing of  
photograph,  
etc.

“32A. Every person presenting any document at the proper registration-office under section 32 shall affix his passport size photograph and fingerprints to the document.”.

Amendment of  
section 49.

6. In section 49 of the Registration Act, in the proviso, the words, figures and letter “or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882,” shall be omitted.

4 of 1882.

Amendment of  
section 52.

7. In section 52 of the Registration Act, in sub-section (1), in clause (a), after the words “and place of presentation”, the words, figures and letter “the photograph and fingerprints affixed under section 32A” shall be inserted.

Omission of  
section 67.

8. Section 67 of the Registration Act shall be omitted.

Amendment of  
section 69.

9. In section 69 of the Registration Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;”.

### CHAPTER III

#### AMENDMENT OF THE TRANSFER OF PROPERTY ACT, 1882

Amendment of  
section 53A of  
Act 4 of 1882.

10. In section 53A of the Transfer of Property Act, 1882, the words “the contract, though required to be registered, has not been registered, or,” shall be omitted.

### CHAPTER IV

#### AMENDMENT OF THE INDIAN STAMP ACT, 1899

Amendment of  
Schedule I of  
Act 2 of 1899.

11. In Schedule I to the Indian Stamp Act, 1899,—

(a) under column heading “Description of Instrument”, in article No. 23, in *Exemption*, the portion beginning with the words “Assignment of Copyright” and ending with the word and figure “section 5” shall be numbered as clause (a) thereof, and after clause (a) as so numbered, the following clause shall be inserted, namely:—

“(b) for the purpose of this article, the portion of duty paid in respect of a document falling under article No. 23A shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction under this article.”;

(b) after article No. 23 and the entries relating thereto, the following article No. and the entries shall be inserted, namely:—

Description of Instrument	Proper Stamp-duty
<p>4 of 1882. “23A. CONVEYANCE IN THE NATURE OF PART PERFORMANCE Contracts for the transfer of immovable property in the nature of part performance under section 53A of the Transfer of Property Act, 1882.</p>	<p>Ninety per cent. of the duty as a Conveyance (No. 23).”.</p>

12. Notwithstanding anything contained in sections 6 and 10, any—

Saving.

4 of 1882. (a) right of a transfer or any person claiming under him debarred under section 53A of the Transfer of Property Act, 1882 immediately before the commencement of this Act shall remain so debarred as if section 10 had not come into force in respect of such right; and

4 of 1882. (b) unregistered document relating to the right referred to in clause (a) may be received as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 as if section 6 had not come into force in respect of such document.

## STATEMENT OF OBJECTS AND REASONS

The Registration Act, 1908 was enacted to consolidate the law relating to the registration of documents. The Conference of Chief Ministers and Finance Ministers of States and Union territories convened by the Union Finance Minister held on the 14th September, 1998 at New Delhi, *inter alia*, arrived at the following conclusions, namely:—

- (i) sub-section (2) of section 30 of the Registration Act, 1908 should be repealed;
  - (ii) registration of general power of attorney which is in the nature of a contract to sell immovable property be made compulsory and consequential amendments be made in the Registration Act, 1908, the Transfer of Property Act, 1882 and the Indian Stamp Act, 1899;
  - (iii) to make affixing of the photograph and finger prints of the executants compulsory at the time of registration of documents;
  - (iv) to make an enabling provision for computerisation of registration records.
2. Based on the above conclusions arrived at the said Conference, it is proposed—
- (i) to insert a new sub-section (1A) in section 17 of the Registration Act, 1908 for making registration of the documents containing contracts to transfer for consideration any immovable property compulsory for the purpose of section 53A of the Transfer of Property Act, 1882 and for consequential amendments in section 56 of the said Act, section 53A of the Transfer of Property Act, 1882 and Schedule I to the Indian Stamp Act, 1899;
  - (ii) to omit sub-section (2) of section 30 and section 67 of the Registration Act, 1908;
  - (iii) to insert new section 16A in the Registration Act, 1908 to enable the State Governments to computerise registration records;
  - (iv) to insert new section 32A to make affixing of the photographs and finger-prints on the documents compulsory at the time of registration.

3. The Bill seeks to achieve the above objects.

NEW DELHI;  
The 10th November, 2000.

ARUN JAITLEY.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF  
THE CONSTITUTION OF INDIA

[Copy of letter No. 10/3/98.Leg.III dated the 22nd November, 2000 from Shri Arun Jaitley, Minister of Law, Justice and Company Affairs to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill, recommends under clauses (1) and (3) of article 117, read with clause (1) of article 274, of the Constitution of India, the introduction of the Registration and other Related Laws (Amendment) Bill, 2000 to Lok Sabha and also recommends to Lok Sabha the consideration of the Bill.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert section 16A in the Registration Act, 1908. Sub-section (1) of the said section 16A provides for keeping the books in computer floppies or diskettes or in any other electronic form. It is envisaged that the expenditure for keeping the books shall be borne by the concerned State Governments. In the case of Union territories, this may increase the expenditure of the Government of India if the same is not borne by them out of the budgetary fund already allocated to them. It is not possible at this stage to estimate the recurring or non-recurring expenditure to be incurred in this regard.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill seeks to insert a new clause (aa) in sub-section (1) of section 69 of the Registration Act, 1908 which empowers the Inspector-General, with the sanction of the State Government, to make rules providing for the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A of the said Act, which are matters of detail and technical in nature.

2. The delegation of legislative power is, therefore, of a normal character.
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G. C. MALHOTRA,  
*Secretary General.*